IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7046 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

PRAGJIBHAI MOHANBHAI VAGHELA

Appearance:

MR HARDIK C RAWAL for Petitioner

MR SUNIL C PATEL for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 01/02/2000

ORAL JUDGEMENT

1. On the joint request of learned counsel for the respective parties, this petition is taken up for final hearing today.

2. The petitioner herein in the present petition

under Article 227 of the Constitution challenges the judgement and award passed by the Industrial Tribunal, Bhavnagar, whereby the punishment imposed upon the respondent - conductor by the disciplinary authority by placing him in the minimum of his time-scale has been reduced to stoppage of three increments with permanent effect.

3. I have heard the learned counsel for the respective parties on their respective submissions, and I have been taken through the relevant evidentiary material on record to which the learned counsel have referred.

4. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel on the basis of which it is agreed between them, with which I concur, that the punishment imposed by the Tribunal is excessively lenient under particular facts and circumstances of the case.

5. As a result of the aforesaid consensus, the punishment imposed by the Tribunal is set aside, and instead it is directed that the respondent - workman shall suffer a punishment of five increments with permanent effect. The impugned judgement and award is modified only to the aforesaid extent.

6. Rule is accordingly made absolute with no orders as to costs.

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